

**TEXAS MUNICIPAL HUMAN RESOURCES ASSOCIATION  
COMPREHENSIVE REPORT  
BILLS THAT PASSED**

**CIVIL SERVICE**

**S.B. 1896 (Gallegos)** Relating to the employment of firefighters and police officers and the provision of emergency medical services in certain municipalities. *Only applies to city 200-250k, in a county with a different city of 1 million and whose EMS is administrated by the Fire Department.*  
(Effective September 1, 2009)

**WAGES**

**H.B. 762 (Creighton)** Relating to filing a wage claim. *Employee can now file claim by fax.*  
(Effective September 1, 2009)

**H.B. 1637 (Turner, C.)** Relating to normal weekly hours of work under the shared work unemployment compensation program. *Amends definition of "normal weekly hours worked" to an average of forty (40) hours per week over a two (2) week period.*  
(Effective May 19, 2009)

**S.B. 741 (Nichols)** Relating to jurisdiction over a wage claim filed after the deadline. *One hundred eighty (180) day deadline is jurisdictional.*  
(Effective September 1, 2009)

**CRIMINAL ACTS BY EMPLOYEES**

**H.B. 3638 (Hughes)** Relating to the use of safety belts by the operator of or a passenger in a motor vehicle used exclusively to transport solid waste. *Defense to prosecution if garbage collector.*  
(Effective September 1, 2009)

**S.B. 828 (Whitmire)** Relating to a determination of value for purposes of punishment of the offense of abuse of official capacity. *Applies to appointed and elected officials and allows for aggregation of value.*  
(Effective September 1, 2009)

**H.B. 2130 (Rios Ybarra)** Relating to the assistance of the Texas Rangers in the investigation of certain sex offenses. *Authorizes the Texas Rangers to assist the local law enforcement agency in the investigation (if requested by State's attorney) of an offense by their local elected official if on conviction the local elected official would have to register as a sex offender.*  
(Effective June 19, 2009.)

## **POLICE / FIRE / EMS**

**H.B. 1721 (Bohac) Relating to taking or attempting to take a weapon from an employee or official of a correctional facility.** *Previously applied only to "officers".*  
(Effective September 1, 2009)

**H.B. 1177 (Guillen) Relating to the eligibility of certain peace officers and firefighters for legislative leave.** *Expands the number of cities—from cities of 200,000 to cities of 50,000 or more in population—in which peace officers and firefighters are eligible for legislative leave under subchapter A of Chapter 614 of the Government Code.*  
(Effective September 1, 2009)

**H.B. 2068 (Elkins) Relating to an identification card for certain retired peace officers.** *Only "honorably retired" can have the card.*  
(Effective June 19, 2009)

**S.B. 872 (Lucio) Relating to continued health insurance coverage and financial assistance for eligible survivors of certain public servants killed in the line of duty.** *Adds individuals considered to be "trainees" for a position.*  
(Effective May 19, 2009.)

**H.B. 3866 (Naishtat) Relating to fire safety inspections.** *Only fire inspectors certified by the Commission may conduct fire safety inspection.*  
(Effective September 1, 2009.)

**H.B. 3147 (Smith, T.) Relating to taking or attempting to take a weapon from a commissioned security officer.** *Adds "commissioned security officer" to the definition and Penal Code provision about "taking or attempting to take the weapon from peace officer".*  
(Effective September 1, 2009.)

**S.B. 1153 (Hinojosa) Relating to the liability of a landowner for an act or omission of a firefighter or peace officer on the property of the landowner.** *Landowner is not liable for damages caused by livestock of the landowner due to an act or omission of a firefighter or peace officer who entered the property with or without permission.*  
(Effective September 1, 2009.)

**S.B. 1735 (West) Relating to providing police and security services for certain post-secondary educational institutions.** *Applies to Dallas police.*  
(Effective June 19, 2009.)

**S.B. 1409 (Shapleigh) Relating to the definition of first responder for purposes of the immunization registry.** *Includes federal, state, local, or private personnel who may respond to a disaster – Health & Safety Code 161.*  
(Effective June 19, 2009)

- **Tuition Exemption**

**H.B. 2013 (Keffner)** Relating to tuition and laboratory fee exemptions at public institutions of higher education for certain volunteer firefighters enrolled in fire science courses. *Tuition exemptions for volunteer firefighters. Also applies to regular firefighters too.*

*(Effective June 19, 2009)*

**H.B. 2347 (Thibaut)** Relating to tuition and fee exemptions at public institutions of higher education for certain peace officers enrolled in criminal justice or law enforcement course work and for certain educational aides. *Tuition exemption for peace officers enrolled in courses for criminal justice or law enforcement management (law already covered firefighters).*

*(Effective June 19, 2009)*

- **Pre-employment / Certification**

**H.B. 2799 (Driver)** Relating to the responsibilities of a person who qualifies for a peace officer license but has not yet been appointed as a peace officer. *Applicant must report any event that would have to be reported if he was licensed.*

*(Effective September 1, 2009)*

**H.B. 2845 (Riddle)** Relating to the certification of and disciplinary actions against emergency medical services personnel. *Pre-screening criminal history record check before enrollment in training; and can also revoke if convicted, or deferred for an offense that directly relates to EMS duties and responsibilities.*

*(Effective September 1, 2009)*

**H.B. 846 (Martinez)** Relating to the license or certificate renewal process for emergency medical services personnel and certain law enforcement officers. *Provides that the agency may not require an applicant to provide unchanged information in any renewal certificate for the jobs listed above; applicant only has to provide new information relevant to the period occurring since the last application.*

*(Effective September 1, 2009)*

## **RETIREMENT / PENSION**

**H.B. 2796 (Strama)** Relating to participation in, contributions to, and the benefits and administration of retirement systems for police officers in certain municipalities. *Applies to Austin.*

*(Effective September 1, 2009)*

**H.B. 1979 (Rodriguez)** Relating to retirement under public retirement systems for employees of certain municipalities. *Applies to Austin.*

*(Effective June 19, 2009)*

**H.B. 2829 (Rodriguez)** Relating to participation in and benefits and administration of retirement systems for firefighters in certain municipalities. *Deals with informal marriages, spouses, and information maintained by the fund concerning individuals. Applies to Austin.*  
(Effective September 1, 2009)

**S.B. 1628 (Wentworth)** Relating to the pension retirement system in certain municipalities for firefighters and police. *Applies to San Antonio.*  
(Effective October 1, 2009.)

**H.B. 2751 (Truitt)** Relating to participation and credit in, benefits from, and the administration of the Texas Emergency Services Retirement System. *Emergency Services Departments – can now include support services staff.*  
(Effective September 1, 2009.)

### **WORKER'S COMPENSATION**

**H.B. 1058 (Solomons)** Relating to the receipt of death benefits in the workers' compensation system. *Total payment not to exceed 104 weeks regardless of the number of surviving parents.*  
(Effective September 1, 2009)

**H.B. 4545 (Raymond)** Relating to the time for filing a petition for judicial review in certain workers' compensation cases. *Forty-five (45) days after the date decision is mailed.*  
(Effective September 1, 2009)

**S.B. 1814 (Van de Putte)** Relating to return-to-work coordination services and a return-to-work reimbursement program for employers participating in the workers' compensation system.  
(Effective June 19, 2009)

**H.B. 4560 (Naishtat)** Relating to certain diseases or illnesses suffered by certain emergency first responders. *Applies to full time Firefighter or EMT's who are exposed to methicillin resistant staphylococcus (MRSA); located in the presumption statute for TB, cancer and stroke; however, final bill does not include rebuttable presumption for MRSA; Firefighter or EMT is entitled to receive notice of exposure pursuant to Health & Safety Code §81.048- specifications for notice to public safety officers for communicable diseases. (Note: MRSA is a staph infection that is resistant to conventional treatment.)*  
(Effective September 1, 2009.)

### **MUNICIPAL COURT**

**H.B. 1793 (Farrar)** Relating to judicial instruction for judges who hear complaints against children alleging violations of certain misdemeanor offenses. *Complete a course on relevant issues of child welfare and individuals with Disabilities Education Act – not applicable if judge only handles juvenile cases for only traffic, public intoxication or city ordinance – Class C.*  
(Effective September 1, 2009)

**S.B. 420 (Carona) Relating to the performance evaluation criteria for judges employed by a municipality.** *Prohibits a city from taking into account the source and amount of municipal court revenue when evaluating a municipal judge's job performance.*  
(Effective June 19, 2009)

**S.B. 935 (Seliger) Relating to authorizing a judge of a municipal court to conduct a marriage ceremony.** (Effective September 1, 2009)

### **OPEN GOVERNMENT**

**H.B. 1360 (Anchia) Relating to the effect under the public information law of the disclosure of certain information by a prosecutor to defense counsel.** *Release to defense counsel in criminal case does not make it "open" to all.*  
(Effective June 19, 2009)

**H.B. 2004 (McCall) Relating to a breach of computer security involving sensitive personal information and to the protection of sensitive personal information and certain protected health information.** *Requires a city that owns, licenses, or maintains computerized data that includes sensitive personal information to comply with Section 521.053 of the Business & Commerce Code, which requires that an entity discovering or receiving notification of a breach of sensitive personal information by an unauthorized person must disclose the breach to the individuals as quickly as possible. The bill also requires a city to notify each consumer-reporting agency of a breach that affects at one time more than 10,000 persons, and adds mental and physical health information to the list of sensitive personal information under the security breach statute and to the list of information not subject to the Public Information Act.*  
(Effective September 1, 2009)

**H.B. 4029 (Marquez) Relating to the release of certain health care information.** *Sets costs for digital health care information; excludes payment information.*  
(Effective September 1, 2009)

**S.B. 390 (Patrick, D.) Relating to confidentiality of certain information under the public information law and in local tax appraisal records regarding federal law enforcement officers.** *Adds Immigration and Customs Enforcement, Citizenship and Immigration Services, Customs and Border Protection, Border Patrol, Homeland Security, U. S. Criminal Investigations, and U. S. Protective Services Officers to confidentiality list.*  
(Effective September 1, 2009)

**S.B. 1068 (Wentworth) Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general.** *This bill: (1) allows a city to redact certain personal information relating to a current or former city employee, official, or peace officer under the Public Information Act without first requesting a decision from the attorney general; (2) allows a city to redact certain personal information relating to a volunteer worker or member of the board of directors of a family violence shelter center or sexual assault program under the Public Information Act without first requesting a decision from the attorney general; (3) provides that a requestor of information may seek a decision from the attorney general's office regarding information that was redacted by the city without first seeking a decision from the attorney general; (4) requires a city that redacts information without seeking a decision from the attorney general to provide certain information to the requestor on a form prescribed by the attorney*

general; and (5) creates an exception to disclosure that protects information in the custody of a city if that information relates to an employee or officer of the city and disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

*No need to go to AG if employee said "no, do not release information."*

*(Effective June 4, 2009)*

**S.B. 1071 (Wentworth) Relating to the required disclosure under the public information law of information pertaining to an employee or trustee of a public employee pension system.** *Information on income, salary, benefits, and bonuses received by an employee or trustee of a public pension system are open record.*

*(Effective May 19, 2009)*

**S.B. 1182 (Wentworth) Relating to public information and open government.** *This bill: (1) provides that a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without having given notice of the subject of the report, provided no action is taken or discussed; (2) provides that an "item of community interest" includes expressions of thanks, congratulations, or condolence; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee; and announcements involving imminent threats to the public health and safety of the city; (3) requires a governmental body to send to the attorney general a copy of the written comments submitted to a requestor within fifteen business days of receiving a written request for information under the Public Information Act (PIA); (4) clarifies that, under the PIA, a suit by a governmental body challenging the determination of the attorney general must be filed in a Travis County district court; (5) requires a law enforcement agency to provide reports of child abuse or neglect in response to a request from either the child who is the subject of the reported abuse or the child's parent or guardian, unless the parent or guardian is alleged to have committed the abuse or neglect; (6) requires a law enforcement agency to redact any personally identifiable information regarding a victim or witness under 18 years of age who is not the child requestor or other child of the parent or guardian; and (7) requires a law enforcement agency to redact any information that is otherwise excepted from required disclosure under law.*

*(Effective September 1, 2009.)*

### **COVERED HEALTH BENEFITS**

**H.B. 451 (Allen) Relating to health benefit plan coverage for autism spectrum disorder.** *Requires health benefit plans to cover autism in a child up to age nine. (Note: current law requires coverage up to age six (6).)*

*(Effective September 1, 2009)*

**H.B. 806 (Gallego) Relating to health benefit plan coverage for certain prosthetic devices, orthotic devices, and related services.** *Does the following: (1) requires that health benefit plans provide coverage for prosthetic devices, orthotic devices, and professional services related to the fitting, use, repair, and replacement of those devices; (2) provides that the coverage must equal the coverage provided under federal laws relating to health insurance for the aged and disabled; (3) prohibits annual dollar limits on prosthetic coverage; but (4) allows the health benefit plan to have copays, deductibles, and coinsurance on prosthetic coverage that are the same as those applied to other health conditions.*

*(Effective September 1, 2009)*

**H.B. 1290 (Oliveira)** Relating to health benefit plan coverage for bariatric surgery and for certain tests for the early detection of cardiovascular disease. *Coverage for heart condition checks if diabetic or at risk for heart disease for males older than 45 and females older than 55 up to \$200.*

*(Effective September 1, 2009)*

**H.B. 2000 (McCall)** relating to health benefit plan coverage for certain amino acid-based elemental formulas. *Requires a health benefit plan to provide coverage for amino acid-based elemental formulas (typically formulas for infants and children with food allergies).*

*(Effective September 1, 2009)*

**H.B. 2256 (Hancock)** Relating to mediation of out-of-network health benefit claim disputes concerning enrollees, facility-based physicians, and certain health benefit plans. *Authorizes mandatory mediation if dispute; notice that doctor or health facility are out-of-network; consumer complaint protection.*

*(Effective June 19, 2009)*

**H.B. 2690 (Hancock)** Relating to eligible policyholders for group life insurance. *Includes "adopted" policies.*

*(Effective September 1, 2009)*

**H.B. 4402 (Martinez Fischer)** Relating to a study regarding insurance coverage of prescription drugs provided under a health benefit plan. *Study how drug substitutions recommended to patients are made.*

*(Effective September 1, 2009)*

**S.B. 39 (Zaffirini)** Relating to health benefit plan coverage for routine patient care costs for enrollees participating in certain clinical trials. *Require that certain health benefit plans, including a plan offered by a government risk pool, provide coverage for health care cost in connection with certain clinical trials for the prevention, detection or treatment of a life threatening disease or condition.*

*(Effective September 1, 2009)*

**S.B. 872 (Lucio)** Relating to continued health insurance coverage and financial assistance for eligible survivors of certain public servants killed in the line of duty. *Does the following: (1) requires a city to provide health benefit coverage to the surviving spouse of a peace officer or firefighter killed in the line of duty at the same rate paid by current employees (meaning that if the city pays the entire premium, the surviving spouse would pay nothing); (2) allows an eligible survivor up to 180 days to apply for health coverage; (3) requires a city to provide an eligible surviving spouse coverage until the surviving spouse becomes eligible for federal Medicare benefits; (4) requires a city to provide an eligible minor coverage until the minor turns 18; (5) requires the city to provide two notices of eligibility for coverage; (6) includes trainees and training routines to the list of covered "line of duty" deaths that trigger required health benefit coverage for eligible survivors; and (7) gives eligible survivors who did not originally apply for coverage until March 1, 2010, to reapply for coverage.*

*(Effective May 19, 2009)*

**S.B. 1143 (Carona)** Relating to requirements regarding employer liability for certain group health benefit plan premiums and to a health benefits study to be conducted by the Texas Department of Insurance. *Employer liable for non-eligible employee until notice of termination received by HMO.*

*(Effective September 1, 2009)*

**S.B. 1403 (Averitt)** Relating to changing the Texas Health Insurance Risk Pool to the Texas Health Insurance Pool, and to the operation of that pool.

*(Effective September 1, 2009)*

**S.B. 1479 (Carona)** Relating to benefits payable under certain health coverages.

*"Supplemental" plan includes dental, vision, accident only, and limited benefits plan.*

*Exempts certain plans.*

*(Effective May 27, 2009)*

**S.B. 1771 (Duncan)** Relating to the availability and continuation of certain health benefit plan coverage. *September 2008 – February 2009.*

*(Effective June 19, 2009)*

### **HIRING / CRIMINAL HISTORY**

**H.B. 2191 (Veasey)** relating to prohibiting contact between an employee of a facility that serves the elderly or disabled persons, whose criminal history has not been verified, and a patient or resident of the facility. *Cannot place an employee on duty with elderly or disabled whose criminal background check has not been completed and verified.*

*(Effective September 1, 2009)*

**H.B. 3737 (Anchia)** Relating to criminal history checks for employees of, and applicants for employment at, special care facilities. *Nurse aide registry and criminal history employees / applicants at facilities serving the elderly, persons with disabilities, or persons with terminal illnesses.*

*(Effective September 1, 2009)*

**H.B. 3961 (McReynolds)** Relating to the regulation of nursing. *Certain information on nurses assisting in an emergency is closed; certain medical conditions acknowledged in application for license is closed; Board may require a physical or psychological evaluation; temporary license suspension for drug or alcohol use; study of alternate ways to assure clinical competency.*

*(Effective June 19, 2009)*

### **EXPANDED DUTIES**

**S.B. 532 (Patrick, D.)** Relating to a physician's delegation of prescriptive authority to physician assistants or advanced practice nurses. *Expands the authority of a physician to delegate to a physician's assistant or advanced practice nurse to prescribe drugs and to see patients. (May apply to doctors and physician assistants in city health clinics.) (Effective September 1, 2009)*



**S.B. 2073 (Duncan)** Relating to eligibility to hold the office of notary public. *May not consider dismissal or finding of guilt that is set aside.*  
(Effective September 1, 2009)

**S.B. 97 (Van de Putte)** Relating to the authority of a dental hygienist to provide services in certain facilities. *Dental hygienist can perform some checks without dentist at nursing facility or community health centers.*  
(Effective September 1, 2009.)

**S.B. 455 (Shapiro)** Relating to the regulation of the practice of dental assistants, including the delegation of certain dental acts. *Provides that a licensed dentist may delegate to a qualified and trained dental assistant certain procedures. Dentist is not required to be physically present in the dental office when the dental assistant performs a delegated dental act. Authorizes dental hygienist to perform other tasks under dentist supervision.*  
(Effective September 1, 2009.)

### **MORE TRAINING REQUIRED**

**S.B. 572 (Shapiro)** Relating to transportation safety training requirements for certain child-care providers. *Owner, operator, or employee of a day care center, group day care, home, registered family home, child care institution, foster group home, or agency foster group home – who transports children younger than the age of nine (9) years old – needs two hour annual training on transportation safety.*  
(Effective September 1, 2009.)

**H.B. 233 (Rodriguez)** Relating to the creation of an advisory committee to establish and recommend qualifications for certain health care translators and interpreters. *Creates Advisory Committee on qualifications for health care translators and interpreters, particularly limited English proficiency or deaf / hard of hearing – will set up qualifications.*  
(Effective September 1, 2009.)

**H.B. 392 (Bohac)** Relating to the availability and use of automated external defibrillators in nursing homes and related institutions. *Requires automated external defibrillators in nursing homes and related institutions and someone trained to use it.*  
(Effective September 1, 2009.)

**H.B. 1452 (Eissler)** Relating to participation in job training and employment assistance programs by veterans and other covered persons. *Priority for veterans and spouses of military (who died while serving) in any state funded (in whole or in part) job training or employment assistance program.*  
(Effective June 19, 2009.)

**H.B. 405 (Harless)** Relating to the authority of an animal control officer to carry a bite prevention stick in the performance of official duties. *Allows animal control officers to carry bite prevention sticks but will have to be trained on their use.*  
(Effective June 19, 2009.)

## **DISASTER TRAINING AND RECOVERY**

**H.B. 1831 (Corte) Relating to disaster preparedness and emergency management and to certain vehicles used in emergencies.** *Does the following (1) requires an elected law enforcement official or an appointed public official who has supervisory or management responsibilities and is involved in emergency management or emergency preparedness to take a three-hour emergency management training course provided by the state; (2) suspends the application of a city's on-premise outdoor sign ordinance during a declared disaster to allow licensed or admitted insurance carriers to erect temporary signs to provide information regarding claims service; (3) requires the state's division of emergency management to develop rules that establish uniform reentry procedures for personnel entering a disaster area and to develop a reentry credentialing process that recognizes the role of local emergency management in making decisions and provides local emergency management with flexibility to adjust the plan; (4) gives the mayor the authority to compel individuals to leave an area that is under a mandatory evacuation order; (5) makes an individual who stays in a disaster area despite a mandatory evacuation order civilly liable for any damages or injuries associated with rescuing the individual after refusing to be evacuated; (6) gives immunity from civil liability to a city officer or employee who issues or is working on a mandatory evacuation order; (7) requires a city to provide a post-disaster evaluation to the division of emergency management not later than the 90th day after requested to do so by the division; (8) permits a privately-owned vehicle to qualify as a city police vehicle for certain purposes, provided that the vehicle is marked with the insignia of a law enforcement agency; and (9) requires an electric utility, including a municipally-owned electric utility, to sell electricity to another electric utility if it is needed during a declared disaster.*

*(Effective June 19, 2009.)*

**H.B. 1998 (McCall) Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.** *Provides that a political subdivision that is the location of temporary housing or emergency shelters for persons moved or evacuated by recommendation or order of the governor may be assisted by any resource available to the state, including the disaster contingency fund, to ensure the political subdivision receives an advance or reimbursement: (1) of all expenses, including lost revenue, incurred by the political subdivision to make available public facilities for temporary housing or emergency shelters; and (2) of the amounts paid for salaries and benefits of permanently employed, straight-time, and regular-time personnel of the political subdivision who perform duties associated with the movement or evacuation of persons into, out of, or through the political subdivision.*

*(Effective September 1, 2009.)*

**H.B. 4409 (Taylor) Relating to emergency preparation and management.** *This bill: (1) waives the civil liability of a city officer, employee, or volunteer for actions taken while discharging duties involved in an activity related to sheltering or housing individuals during a disaster evacuation; (2) makes the Texas General Land Office responsible for contracting for debris removal from beaches following a weather-related disaster; (3) makes the Texas Department of Transportation responsible for contracting for debris removal from the state highway system following a weather-related disaster; and (4) makes the Texas Department of Housing and Community Affairs responsible for contracting to provide temporary shelter or housing following a weather-related disaster. The bill also provides that when constructing or extensively renovating a critical governmental facility (such as a command and control center, shelter, jail, or police or fire station), the entity with charge and control of the facility shall evaluate whether equipping the facility with a combined heating and power system (i.e., a system*

*that can provide all the electricity needed to power the facility's critical emergency operations for at least 14 days) would result in expected energy savings that would exceed the expected costs of purchasing, operating, and maintaining the system over a 20-year period. Finally, the bill allows the entity to equip the facility with a combined heating and power system if the expected energy savings exceed the expected costs.*  
(Effective June 19, 2009.)

## **ELECTIONS**

**H.B. 1720 (Bohac) Relating to the use of public funds by a political subdivision for political advertising or communications that contain false information relating to a ballot measure.** *Provides that: (1) an officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising; (2) that prohibition does not apply to a communication that factually describes the purposes of a ballot measure if the communication does not advocate passage or defeat of the measure; (3) an officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that the officer or employee knows is false and is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure. The bill also provides that it is an affirmative defense to criminal prosecution for an offense described above that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation in a written opinion issued by a court of record, the attorney general, or the Texas Ethics Commission. Finally, the bill provides that on written request of the governing body of a political subdivision that has ordered an election on a measure, the Texas Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to the measure does or does not comply with the law.*  
(Effective September 1, 2009.)

**S.B. 1134 (Duncan) Relating to the authority for certain high school students to serve as election clerks.** *Allows certain underage students to serve as election clerks.*  
(Effective September 1, 2009.)

**S.B. 2085 (Davis, W.) Relating to the unlawful use of public funds for political advertising by a political subdivision.** *Provides that: (1) an officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising; (2) it is an affirmative defense to criminal prosecution for an offense described above that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation in a written opinion issued by a court of record, the attorney general, or the Texas Ethics Commission; and (3) on written request of the governing body of a political subdivision that has ordered an election on a measure, the Texas Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to the measure does or does not comply with the law.*  
(Effective September 1, 2009.)

## **FEDERAL EARNED INCOME TAX OFFICE**

**H.B. 2360 (Farias) Relating to the provision of information regarding employee eligibility for the federal earned income tax credit.** *Requires a city to provide to its employees eligibility information relating to the federal earned income tax credit by March 1 of each year by e-mail, through a flyer included, in writing or electronically, as a payroll stuffer; or mailing The bill also requires the state comptroller to provide a form that includes information relating to the federal earned income tax credit for distribution by a city or other employer.*  
(Effective September 1, 2009.)

## **SUNSET BILLS**

**H.B. 2730 (Kolkhorst) Relating to the continuation and functions of the Department of Public Safety of the State of Texas and the Texas Private Security Board.** *Department of Public Safety and Texas Private Security Board – Sunset bill – 208 pages.*  
(Effective June 19, 2009.)

**S.B. 1011 (Estes) Relating to the continuation and functions of the Texas Commission on Fire Protection.** *Does the following: (1) allows the Texas Commission on Fire Protection to modify or reject the recommendations of the Fire Fighter Advisory Committee; (2) requires that commission fees be based on an amount designed to recover the commission's costs, with no maximum fee listed; (3) requires firefighter applicants to obtain a fingerprint-based criminal history record before receiving their certificates; (4) allows the commission to perform risk-based assessments on fire departments that can lead to fines, default judgments, and suspension of fire department certificates; (5) creates a grant program for firefighter training and firefighter equipment to be used by city fire departments and volunteer fire departments; and (6) abolishes the fire department emergency program, which provides scholarships, grants, loans, and other financial assistance to eligible local fire departments. Sunset bill - 24 pages.*  
(Effective September 1, 2009.)

**H.B. 3389 (Harper-Brown) Relating to the continuation and functions of the Texas Commission on Law Enforcement Officer Standards and Education.** *Does the following: (1) requires more detailed reporting by police departments when applying for Texas Commission on Law Enforcement Standards and Education (TCLEOSE) funds; (2) requires a city that desires to start a police department to send a report to TCLEOSE including information on the need for the department, the funding for the department, the facilities that will be used, any police procedures and policies, and other information; (3) requires TCLEOSE to establish a statewide comprehensive education and training program on federal and Texas law; (4) requires an officer to complete training on federal and Texas law as part of the officer's education program; (5) requires an officer holding a basic proficiency certificate to take live training on crisis intervention with individuals with mental impairments; (6) requires an officer with an intermediate proficiency certificate to complete an education and training program on investigative topics and civil rights, penalty if the department violates state law or a TCLEOSE rule; (8) requires a police department to include handling of individuals of Middle Eastern descent in their racial profiling policies; expands the required contents of a police officer's report on motor vehicle stops to include whether the officer knew the race of the individual detained before detaining the individual; (10) requires an annual report on racial profiling to be filed with TCLEOSE; (11) provides that if a police department intentionally fails to submit a required racial profiling report, TCLEOSE shall initiate disciplinary action against that agency's chief administrator; (12) imposes a new ten-cent court fee on any person convicted in*

*municipal court of a moving violation; (13) allows a municipal court to retain ten percent of that fee revenue; and (14) requires that the remaining fee revenue be remitted to the state for placement in the "Civil Justice Data Repository" for use by TCLEOSE. Sunset provision for TCLEOSE extended to 2021.  
(Effective September 1, 2009)*